

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIVA AVIKAIDA ISRAEL,

No. 2:21-cv-00262-TLN-EFB (PC)

Plaintiff,

ORDER

v.

RABBI SHMARY, et al.,
Defendants.

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Currently before the court are plaintiff's motion for an extension of time to respond to defendants' interrogatories and request for production (ECF No. 58) and plaintiff's motion to conduct a deposition (ECF No. 59).

Plaintiff requests a thirty-day extension of time to respond to defendants' interrogatories and request for production of documents. *See* ECF No. 58 at 1 (alleging she needs more time due to a recent cancer diagnosis causing her duress and requiring a "battery of baseline assessment examinations"). After reviewing plaintiff's request, and good cause appearing, plaintiff's request is granted. Plaintiff shall have an additional thirty days, or until December 2, 2022, to respond to defendants' interrogatories and request for production of documents.

Plaintiff also requests leave to conduct the deposition of non-party witness clinician, S. Jacques. ECF No. 59. Plaintiff does not need court permission to depose a witness who is not

1 incarcerated, and her motion is therefore denied as unnecessary. *See* Fed. R. Civ. P. 30(a)(2)(B),
2 31(a)(2)(B). Should plaintiff pursue a deposition, the court notes that she must bear all associated
3 costs, regardless of her in forma pauperis status.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. Plaintiff's request for an extension of time to respond to defendants' interrogatories
6 and request for production of documents (ECF No. 58) is granted and plaintiff shall
7 have until December 2, 2022 to respond; and
8 2. Plaintiff's request for leave to conduct a deposition of non-party witness clinician, S.
9 Jacques (ECF No. 59) is denied as unnecessary.

10 Dated: November 2, 2022.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE

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